From: jbh@moses.gencon.com@inetgw
To: Microsoft ATR
Date: 1/23/02 9:32am
Subject: Microsoft Settlement

Gentlemen/Ladies,

As a software engineer with 20 years' experience developing software for Unix, Windows, Macintosh, and Linux, I'd like to comment on the Proposed Final Judgment in United States v. Microsoft.

According to the Court of Appeals ruling, "a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to
'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in
monopolization in the future" (section V.D., p. 99).

Attorney General John Ashcroft seems to agree; he called the proposed settlement "strong and historic", said that it would end "Microsoft's unlawful
conduct," and said "With the proposed settlement being announced today, the Department of Justice has fully and completely addressed the anti-competitive conduct outlined by the Court of Appeals against Microsoft."

Yet the Proposed Final Judgment allows many exclusionary practices to continue, and does not take any direct measures to reduce the Applications
Barrier to Entry faced by new entrants to the market.

The Court of Appeals affirmed that Microsoft has a monopoly on Intel-compatible PC operating systmes, and that the company's market position is
protected by a substantial barrier to entry (p. 15). Furthermore, the Court of Appeals affirmed that Microsoft is liable under Sherman Act ? 2 for
illegally maintaining its monopoly by imposing licensing restrictions on OEMs, IAPs (Internet Access Providers), ISVs (Independent Software Vendors), and Apple Computer, by requiring ISVs to switch to Microsoft's JVM (Java Virtual Machine), by deceiving Java developers, and by forcing Intel to drop support for cross-platform Java tools.

The fruits of Microsoft's statutory violation include a strengthened Applications Barrier to Entry and weakened competition in the Intel-compatible
operating system market; thus the Final Judgment must find a direct way of reducing the Applications Barrier to Entry, and of increasing such

competition.

The fact that you would consider allowing this proposed farce
of a settlement is an outrage. For goodness sake get a backbone,
get off your collective fannies and do the RIGHT thing !

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